

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE P. JAMES,

Plaintiff : **No. 1:CV-01-1015**

v.

YORK COUNTY POLICE : **(Judge Kane)**

DEPARTMENT; AGENT JAMES H. : **(Magistrate Judge Mannion)**

MORGAN; DET. RICHARD : **Electronically Filed**

PEDDICORD; DET. RAYMOND E. :

CRAUL; SGT. GENE FELLS; DET. :

ANTHONY GLOWCZEWSKI; AGENT :

RANDY SIPES; and AGENT BRIAN :

WESTMORELAND, :

Defendants :

**COMMONWEALTH DEFENDANTS' MOTION FOR ENLARGEMENT
OF TIME TO FILE BRIEF IN OPPOSITION TO MOTION TO COMPEL**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, defendants

Ray Craul, Jim Morgan, Brian Westmoreland, Tony Glowczeski, Robert Kessler,

Richard Peddicord and Gene Fells (hereinafter Commonwealth defendants),

through their counsel, move the Court for an enlargement of time in which to file a

response to the motion to compel discovery filed by *pro se* inmate Tyrone James.

In support thereof, defendants state the following:

1. Plaintiff filed a motion to compel discovery, a brief in support thereof, an affidavit in support thereof, and exhibits on July 7, 2004.
2. Commonwealth defendants' brief in opposition to plaintiff's motion to compel discovery is due July 26, 2004.
3. Counsel for Commonwealth defendants was assigned this case on July 1, 2004, and is in the process of reviewing the file, which contains over one-hundred and fifty pleadings and numerous discovery documents.
4. Due to litigation schedule of Commonwealth defendants' counsel, the brief in opposition to plaintiff's motion to compel discovery cannot be filed by its due date.
5. Commonwealth defendants respectfully request an enlargement of time of twenty days in which to file their brief.
6. Commonwealth defendants respectfully request permission to file their brief in opposition to plaintiff's motion to compel discovery on or before August 16, 2004.
7. Granting this motion will not unreasonably delay this matter, which is currently at the summary judgment stage.

WHEREFORE, Commonwealth defendants respectfully request an
enlargement of time of twenty days in which to file their brief in opposition to
plaintiff's motion to compel discovery.

Respectfully submitted,

GERALD J. PAPPERT
Attorney General

By: s/Amanda L. Smith
AMANDA L. SMITH
Deputy Attorney General
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SUSAN J. FORNEY
Chief Deputy Attorney General
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Date: July 19, 2004

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ANTHONY GLOWCZEWSKI; AGENT :
RANDY SIPES; and AGENT BRIAN :
WESTMORELAND, :
Defendants :

CERTIFICATE OF SERVICE

I, Amanda L. Smith, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on July 19, 2004, I caused to be served a true and correct copy of the foregoing document by depositing same in the United States Mail, first-class postage prepaid to the following:

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s/Amanda L. Smith
AMANDA L. SMITH
Deputy Attorney General